**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODPUR**

**ORDER**

S.B. Criminal Misc. Petition No.1332/2007
(Smt. Laxmi & Anr.Vs. State & Anr.)

Date of Order : 10th October, 2007

**HON'BLE MR. H.R. PANWAR, J.**

Mr. Sandeep Mehta for petitioners.
Mr. Ashok Upadhyay, P.P.
None present for respondent No.2 though served.

By the instant misc. petition, the petitioners seeks quashing of the FIR No.88/2007 Police Station Kheroda, District Udaipur for the offence under Sections 363 IPC.

I have heard learned counsel for the parties and carefully gone through the material available on record and the police investigation diary.

Respondent No.2 Smt. Gendi Bai, who is step-mother of petitioner No.1 Smt. Laxmi lodged a report under Section 363 IPC alleging that petitioner No.2 Jagdish has abducted her daughter.

By the direction of this Court, petitioner No.1 Smt. Laxmi appeared before the Investigating Officer and made statement stating therein that she is aged 19 years and she studied upto IX and respondent No.2 is her step-mother who is mentally disturbed. She stated that she at her own went with petitioner No.2 Jagdish and married him at her sweet will. She is major and is residing with petitioner No.2 as his wife from the date of marriage. The documents showing petitioner No.1 married with petitioner No.2 is placed on record. From the medical evidence, age of petitioner No.1 Laxmi is between 18 to 19 years, which is evident from the certificate issued by the R.N.T. Medical College & General Hospital, Udaipur dated 1.08.2007.

Having regard to the facts and circumstances of the case and the fact that petitioner No.1 Laxmi is a major and married to petitioner No.2 Jagdish at her sweet will and there being no evidence of any abduction and now petitioners are living as husband and wife, therefore, further investigation in the matter is abuse of the process of the Court and to secure ends of justice, the FIR deserves to be quashed.

In the result, the criminal misc. petition is allowed and the FIR No.88/2007 Police Station Kheroda, District Udaipur is quashed against petitioner No.2 Jagdish is hereby quashed.

(H.R. PANWAR), J.

vij

S.B. Criminal Misc. Stay Petition No.715/2007
In
S.B. Criminal Misc. Petition No.1332/2007

Date of Order : 10th October, 2007

**HON'BLE MR. H.R. PANWAR, J.**

Mr. Sandeep Mehta for petitioner.
Mr. Ashok Upadhyay, P.P.
None present for respondent No.2 though served.

Since the main petition itself has been decided, the stay application also stands disposed of.

(H.R. PANWAR), J.

vij